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11/13/2008

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EXAMINER

SHAND, ROBERTA A

ART UNIT

PAPER NUMBER

2416

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/645,921	<b>Applicant(s)</b> GANESAMOORTHY ET AL.	
	<b>Examiner</b> Roberta A. Shand	<b>Art Unit</b> 2416	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 21-23 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 21-23 contain non-statutory language: “computer-readable medium”, not supported by the specification. A computer-readable medium does not define any structural or functional interrelationships between the data structures and other claimed aspects of the invention which permit the data structure’s functionality to be realized, see Interim Guidelines page 52-54.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knappe (U.S. 6603774 B1) in view of Holt (U.S. 6070192).
3. Regarding claim 1, Knappe teaches a method of allocating tasks to a plurality of DSPs to handle calls in a voice gateway that receives calls (fig. 1, col. 2, line 41 – col. 3,

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line 6), the calls utilizing a plurality of codecs, at least some of which utilize different amounts of DSP resources.

4. Knappe does not teach first determining if a particular call can be assigned to a DSP on a best fit basis.; and if a call can not be assigned on a best fit basis, assigning said particular call on a load balancing basis so as to balance the load on the plurality of DSPs.

5. Holt teaches (fig. 3a) first determining if a particular call can be assigned to a DSP on a best fit basis (Do requested call resources exceed service quota?); and if a call can not be assigned on a best fit basis, assigning said particular call on a load balancing basis so as to balance the load on the plurality of DSPs (choose gateway based on load balancing). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Knappe to include Holt's DSP allocation to provide a high quality of service (abstract)

1. Regarding claim 2, Knappe teaches a system for allocating a plurality of DSPs to handle calls in a voice gateway that receives calls (fig. 1, col. 2, line 41 – col. 3, line 6), said calls utilizing a plurality of codecs, at least some of said codecs requiring different amounts of DSP resources.

2. Knappe does not teach means for first determining if a particular call can be assigned to a DSP on a best fit basis; means operable if a call can not be assigned on a best fit basis, for assigning the call on a load balance basis so as to balance the load on the plurality of DSPs.

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3. Holt teaches (fig. 3a) first determining if a particular call can be assigned to a DSP on a best fit basis (Do requested call resources exceed service quota?); and if a call can not be assigned on a best fit basis, assigning said particular call on a load balancing basis so as to balance the load on the plurality of DSPs (choose gateway based on load balancing). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Knappe to include Holt's DSP allocation to provide a high quality of service (abstract).

4. Regarding claim 3, Knappe teaches (fig. 1) a method of allocating a plurality of DSPs to handle calls in a voice gateway (16, 20), said calls utilizing a plurality of different codecs, said codecs requiring a plurality of different amounts of DSP resources, said codec being arranged in resource requirement groups, the codecs in each resource requirement group requiring substantially the same amount of resources.

5. Knappe does not teach first determining if the call can be assigned to a DSP on a best fit basis utilizing a best fit pool which indicates the DSPs that would be fully loaded by a call using a codec in the associated resource group; if the call can not be assigned on a best fit basis, assigning the call to a DSP utilizing a load balancing pool, which indicates the number of calls on each DSP.

6. Holt teaches (fig. 3a) first determining if a particular call can be assigned to a DSP on a best fit basis (Do requested call resources exceed service quota?); and if a call can not be assigned on a best fit basis, assigning said particular call on a load balancing basis so as to balance the load on the plurality of DSPs (choose gateway based on load balancing). It would have been obvious to one of ordinary skill in the art at the time the

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invention was made to modify Knappe to include Holt's DSP allocation to provide a high quality of service (abstract).

7. Regarding claim 4, Knappe teaches (fig. 1) a system for allocating a plurality of DSPs to handle calls in a voice gateway (16, 20), said calls utilizing a plurality of different codecs, said codecs requiring a plurality of different amounts of DSP resources, said codec being arranged in resource requirement groups, the codecs in each resource requirement group requiring substantially the same amount of resources.

8. Knappe does not teach means for first determining if the call can be assigned to a DSP on a best fit basis utilizing a best fit pool which indicates the DSPs that would be fully loaded by a call using a codec in the associated resource group; if a call can not be assigned on a best fit basis, for assigning the call to a DSP utilizing a load balancing pool, which indicates the number of calls on each DSP.

9. Holt teaches (fig. 3a) first determining if a particular call can be assigned to a DSP on a best fit basis (Do requested call resources exceed service quota?); and if a call can not be assigned on a best fit basis, assigning said particular call on a load balancing basis so as to balance the load on the plurality of DSPs (choose gateway based on load balancing). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Knappe to include Holt's DSP allocation to provide a high quality of service (abstract).

10. Regarding claim 5, Knappe teaches (fig. 1) a method of allocating a plurality of resources to handle tasks, said tasks utilizing a plurality of different amounts of

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resources, said tasks being arranged in resource requirement groups, the tasks in each resource requirement group requiring substantially the same amount of resources (col. 2, line 41 – col. 3, line 6; col. 4, lines 31-49).

11. Knappe does not teach first determining if a task can be assigned to a resource on a best fit basis utilizing a best fit pool which indicates the resources that would be substantially fully loaded by a task in the associated resource group; if a task can not be assigned on a best fit basis, assigning the task to a resource utilizing a load balancing pool, which indicates the number of tasks, assigned to each resource.

12. Holt teaches (fig. 3a) first determining if a particular call can be assigned to a DSP on a best fit basis (Do requested call resources exceed service quota?); and if a call can not be assigned on a best fit basis, assigning said particular call on a load balancing basis so as to balance the load on the plurality of DSPs (choose gateway based on load balancing). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Knappe to include Holt's DSP allocation to provide a high quality of service (abstract).

13. Regarding claim 6, Knappe inherently teaches the resource requirement groups take into account which codecs have the same first channel penalty, because the channel penalty takes into account the distribution of bandwidth (the encoding metric).

14. Regarding claim 7, Knappe teaches (fig. 1) a method of allocating tasks to a plurality of DSPs to handle calls in a voice gateway (16, 20) that receives calls, said calls utilizing a plurality of different codecs, at least some of said codecs requiring different

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amounts of DSP resources method including the steps of: establishing a best fit pool which has a number of codec resource groups, the codecs in each codec resource group utilizing the same amount of DSP resource (col. 4, lines 31-49).

15. Knappe does not teach for each particular resource group indicating which DSPs would be fully loaded, first determining if a particular call can be assigned to a DSP based on the information in the best fit pool; if they were assigned a call using a codec in the particular resource group, establishing a load balancing pool which indicates the number of calls on each codec, and if a call can not be assigned on a best fit basis, assigning said particular call on a load balancing basis using the information in said load balancing pool.

16. Holt teaches (fig. 3a) first determining if a particular call can be assigned to a DSP on a best fit basis (Do requested call resources exceed service quota?); and if a call can not be assigned on a best fit basis, assigning said particular call on a load balancing basis so as to balance the load on the plurality of DSPs (choose gateway based on load balancing). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Knappe to include Holt's DSP allocation to provide a high quality of service (abstract).

17.

18. Regarding claim 8, Knappe teaches a system for allocating tasks to a plurality of DSPs to handle calls in a voice gateway (16, 20) that receives calls, said calls utilizing a plurality of different coders, at least some of said codecs requiring different amounts of DSP resources, said system including: a best fit pool which has a number of codec

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resource groups, the coders in each codec resource group utilizing the same amount of DSP resource to handle a call, and for each particular resource group indicating which DSPs would be fully loaded if they were assigned a call using a codec in the particular resource group.

19. Knappe does not teach means for determining if a particular call can be assigned to a DSP based on the information in the best fit pool; a load balancing pool which indicates the number of calls on each codec, and means operable if a call can not be assigned on a best fit basis, for assigning said particular call on a load balancing basis using the information in said load balancing pool.

20. Holt teaches (fig. 3a) first determining if a particular call can be assigned to a DSP on a best fit basis (Do requested call resources exceed service quota?); and if a call can not be assigned on a best fit basis, assigning said particular call on a load balancing basis so as to balance the load on the plurality of DSPs (choose gateway based on load balancing). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Knappe to include Holt's DSP allocation to provide a high quality of service (abstract).

21. Regarding claim 9, Knappe teaches (col. 2, line 41 – col. 3, line 6) the calls are assigned on a best fit basis using a best fit pool.

22. Regarding claim 10, Knappe teaches (fig. 1) the best fit pool has a number of codec resource groups, the codecs (17B, 19B) in each codec resource group utilizing the same amount of DSP resource, and for each particular resource group said pool indicates

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which DSPs would be fully loaded if they were assigned a call using a codec in the particular resource group (col. 3, line 15-67).

23. Regarding claim 11, Holt teaches (fig. 3a) the calls are assigned on a load balancing basis using a load balancing pool.

24. Regarding claim 12, Holt teaches (fig. 3a) the load balancing pool indicates the number of calls on each codec.

25. Regarding claim 13, Knappe inherently teaches the codecs in each resource group have the same first channel penalty, because the channel penalty takes into account the distribution of bandwidth (the encoding metric).

26. Regarding claim 14, Knappe teaches (col. 3, lines 15-67) the calls are assigned on a best fit basis using a best fit pool.

27. Regarding claim 15, Knappe teaches the best fit pool has a number of codec resource groups, the codecs in each codec resource group utilizing the same amount of DSP resource (col. 2, line 41 – col. 3, line 6; col. 4, lines 31-49), and for each particular resource group said pool indicates which DSPs would be fully loaded if they were assigned a call using a codec in the particular resource group (fig. 1).

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28. Regarding claim 16, Holt teaches (fig. 3a) the calls are assigned on a load balancing basis using a load balancing pool.

29. Regarding claim 17, Holt teaches (fig. 3a) the load balancing pool indicates the number of calls on each codec.

30. Regarding claim 18, Knappe inherently the codecs in each resource group have the same first channel penalty, because the channel penalty takes into account the distribution of bandwidth (the encoding metric).

31. Regarding claim 19, Knappe inherently teaches the best fit pool also indicates for each particular resource group the DSPs that are executing calls that have a first channel penalty corresponding to the first channel penalty of the codecs in the particular resource group, because the channel penalty takes into account the distribution of bandwidth (the encoding metric).

32. Regarding claim 20, Knappe inherently teaches the best fit pool also indicates for each particular resource group the DSPs that are executing calls that have a first channel penalty corresponding to the first channel penalty of the codecs in the particular resource group, because the channel penalty takes into account the distribution of bandwidth (the encoding metric).

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33. Regarding claim 21, Knappe teaches (fig. 1) computer readable medium having stored thereon sequences of instructions for allocating a plurality of resources to handle tasks, said tasks utilizing a plurality of different amounts of resources, said tasks being arranged in resource requirement groups, the tasks in each resource requirement group requiring substantially the same amount of resources (col. 4, lines 31-49), said sequences of instructions.

34. Knappe does not teach first determining if a task can be assigned to a resource on a best fit basis utilizing a best fit pool which indicates the resources that would be substantially fully loaded by a task in the associated resource group; if a task can not be assigned on a best fit basis, assigning the task to a resource utilizing a load balancing pool, which indicates the number of tasks, assigned to each resource.

35. Holt teaches (fig. 3a) first determining if a particular call can be assigned to a DSP on a best fit basis (Do requested call resources exceed service quota?); and if a call can not be assigned on a best fit basis, assigning said particular call on a load balancing basis so as to balance the load on the plurality of DSPs (choose gateway based on load balancing). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Knappe to include Holt's DSP allocation to provide a high quality of service (abstract).

36. Regarding claim 22, Knappe inherently teaches a computer readable medium having stored thereon sequences of instructions for allocating a plurality of resources to handle tasks where the resource requirement groups take into account which codecs have

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the same first channel penalty, because the channel penalty takes into account the distribution of bandwidth (the encoding metric).

37. Regarding claim 23, Knappe teaches (col. 3, lines 15-67) a computer readable medium having stored thereon sequences of instructions for allocating a plurality of resources to handle tasks where the resources are codec utilizing DSP resources.

38. Regarding claims 24-26 Holt teaches (col. 11, lines 1-7) a pointer to indicate one of the call load groups, wherein the one of the call load groups has DSPs having a lightest load, and wherein the assigning comprises assigning the particular call to the one of the call load groups.

### ***Response to Arguments***

39. Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

43. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roberta A. Shand whose telephone number is 571-272-3161. The examiner can normally be reached on M-F 9:00am-5:30pm.

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44. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Firmin Backer can be reached on 571-272-6703. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

45. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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